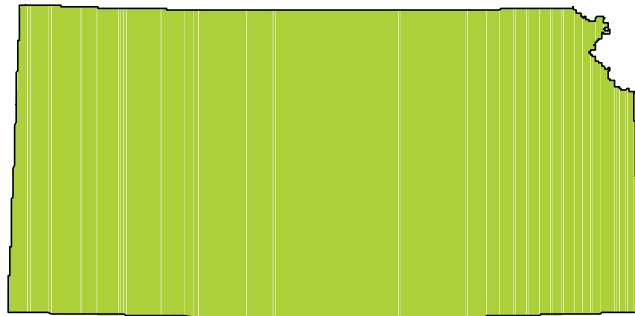


Performance Partnership Agreement



THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
AND
THE US ENVIRONMENTAL PROTECTION AGENCY

October 1, 2003 - September 30, 2005



Performance Partnership Agreement
for October 1, 2003 - September 30, 2005

*Between the Kansas Department of Health and Environment and
the U. S. Environmental Protection Agency - Region 7*

We, the undersigned, Roderick L. Bremby, Secretary for the Kansas Department of Health and Environment, and James B. Gulliford, Regional Administrator for the United States Environmental Protection Agency, Region 7, enter into this Performance Partnership Agreement for the protection of Kansas' air quality and water quality and sound management of hazardous waste.

This Agreement is a reflection of the relationship KDHE and EPA Region 7 have been moving toward over the last several years: a partnership focused on protecting, enhancing, and restoring our natural environment. In this Agreement, we have identified environmental priorities and desired results.

Both KDHE and EPA Region 7 will exert their best efforts in the performance of this Agreement. Disputes regarding the performance of either party to this Agreement will be resolved, consistent with applicable regulatory dispute resolution procedures, at the lowest level possible within our organizations. If this is not feasible or successful, the next level for dispute resolution will be the managers responsible for the program area in question. The final level of appeal will be the Secretary of the Kansas Department of Health and Environment and the Regional Administrator for the EPA Region 7.

It is our belief that this Performance Partnership Agreement will improve environmental program protection in Kansas. In addition, we hope this Agreement communicates to local communities and citizens our mutual goals and priorities for the upcoming state fiscal year.

Signed:

Date

Date

Roderick L. Bremby, Secretary
Kansas Department of Health & Environment
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Section One

General Information

I. Purpose

The Kansas Department of Health and Environment, KDHE, and the Environmental Protection Agency Region VII (EPA) support a shared responsibility for the protection of the environment and public health in Kansas. The purpose of this Performance Partnership Agreement (PPA) for the period of October 1, 2003 through September 30, 2005 is to:

- Establish mutual environmental goals, objectives, activities and performance measures for environmental activities during the agreement period.
- Maintain a core level of environmental protection for Kansas' citizens.
- Measure environmental progress using indicators which are reflective of environmental conditions, trends and results.
- Assist in the allocation of KDHE and EPA Region VII resources to the environmental priorities of the State.

While this agreement contemplates common goals, interests and actions between the KDHE and EPA Region VII, it also envisions flexibility for each agency to pursue its own goals and needs. The partnership is dynamic and serves as the framework on which to build as programs evolve.

II. Guiding Principles and Strategies

The Kansas Department of Health and Environment and EPA Region VII agree to the following principles to further our partnership approach to protecting Kansas' environment and public health.

We will:

- Continue to work as equal partners to build trust, openness and cooperation.
- Manage our collective resources to meet the highest environmental needs in the state.
- Capitalize on our strengths and expertise respecting the contributions of both agencies.
- Communicate frequently and openly between ourselves and others.
- Implement the activities stated in the sections below to achieve the desired environmental goals.
- Pursue innovative approaches and encourage flexibility where alternative approaches have potential to achieve greater environmental results than traditional approaches.

In addition, KDHE and EPA Region VII firmly support the following concepts which are reflected throughout this agreement:

- Service to the public and other agency customers.
- Cooperation and coordination with other federal, state and local government agencies.
- Clearly stated expectations.
- Mutually identified goals and objectives.
- Activities that demonstrate environmental or public health improvement.

- Conduct programs, develop policies and carry out activities in ways that ensure fair treatment of all people and provide all Kansans access to environmental decision making processes.
- Work together to ensure grant dollars are distributed in a manner that meets federal requirements supporting businesses owned or operated by socially or economically disadvantaged individuals.

III. KDHE's Mission and Goals

The Kansas Department of Health and Environment and EPA Region VII have similar missions, goals and objectives that guide agency operations and decisions. It is important that each respect the roles and responsibilities of the other.

The mission of KDHE is to promote and protect the health of Kansas through efficient and effective public health programs and services and through preservation, protection and remediation of natural resources and the environment.

To achieve this mission, KDHE has adopted the following goals:

- Implement environmental programs in Kansas to achieve regulatory compliance and maintain assurance that environmental programs are protective of public health and the environment.
- Be responsive to the needs and inquiries of the citizens of Kansas and the regulated community with respect to environmental programs.
- Maximize the use of existing resources to assure high priority environmental programs, both from the viewpoint of the state and public, are adequately addressed.
- Provide citizens of the state with accurate assessments of the environmental conditions of the state.

IV. KDHE/EPA Region VII Joint Priorities

KDHE will submit work plans in support of Performance Partnership Grants (PPG) that comply with the provisions of CFR Part 35, and EPA agrees to regard the numeric objectives in the work plans as planned targets. Any deviations from the planned targets will be discussed in the PPG reports provided by KDHE.

KDHE and EPA agree to work collaboratively to assess the effectiveness of current data management processes to ensure that data is timely and accurately submitted.

KDHE and EPA will maintain and continue to develop and use environmental indicators both as a measure of the effectiveness of work performed, and a measure of overall environmental trends.

KDHE and EPA will use all available flexibility to develop and assessment of environmental

conditions from a holistic perspective, and where appropriate develop and implement cross-media strategies.

EPA will assist KDHE in incorporating into their activities pollution prevention strategies where appropriate, but particularly in areas of permitting and enforcement. KDHE will incorporate pollution prevention into media activities.

KDHE will improve public education on environmental issues by continuing to provide technical assistance, compliance assistance and education for the regulated community, educating policy makers in the legislature and other state and local government officials, and educating EPA on Kansas' needs and realities, thus creating a true federal-state partnership.

EPA Region VII will work to fulfill their responsibility on tribal lands, including program implementation and compliance assurance.

EPA Region VII will work to assure compliance at federal facilities and on federal lands.

KDHE will work to assure compliance with applicable environmental laws. KDHE and EPA will jointly plan inspection and compliance assistance activities for each media. EPA will maintain an enforcement presence in delegated programs and, in accordance with the EPA Region 7 Enforcement Principles, EPA will address violations documented by EPA inspections unless KDHE and EPA agree the violations will be addressed in another manner.

KDHE and EPA agree to coordinate on homeland security issues to enhance protection through mutual sharing of resources and expertise.

EPA and KDHE will integrate the Region 7 priorities of agriculture, sensitive populations, and critical ecosystems into program work as appropriate.

V. KDHE/EPA Region VII Environmental Goals

Air Quality

Kansas and Kansas communities will be free of air pollutants at levels that cause significant risk of cancer, respiratory illness or other health problems, or damage to the natural resources of the state.

Underground Storage Tanks

Prevent or eliminate damages to the health of Kansas citizens and natural resources of the state by enforcement of laws and regulations designed to reduce releases of petroleum products from petroleum storage tanks.

Water

Clean waters: All of America's rivers, lakes and coastal waters will support healthy communities

of fish, plants and other aquatic life and uses such as fishing, swimming, and drinking water supply for people. Wetlands will be protected and rehabilitated to provide wildlife habitat, reduce floods and improve water quality. Ground waters will be cleaner for drinking and other beneficial uses.

Safe drinking water: Every Kansas and American public water supply system will provide water that is consistently safe to drink and groundwater quality protected.

Waste Management

Safe waste management: Facilities which generate, store, treat, process, or dispose of solid waste or hazardous waste will be managed according to practices that prevent releases to the environment and minimize nuisances. Be responsive to the needs of the citizens of Kansas and the regulated community with respect to issues related to the management of solid and hazardous wastes. Respond to federal waste management laws and regulations and apply for and maintain state authority to administer federally mandated waste programs.

VI. Measuring for Environmental Results

EPA Region VII and KDHE are committed to developing outcome measures and environmental indicators rather than outputs to measure progress. As the programs continue to evolve during this process, there may be some disruptions as programs move away from the traditional and perhaps comfortable ways of conducting programs to a more results oriented processes. While recognizing this change will challenge staff from both Region VII EPA and KDHE, both are committed to making this transition.

KDHE will provide the first report to EPA in each federal fiscal year at midyear. At the discretion of the KDHE and EPA program managers, a report at the end of the third quarter may be provided. KDHE will provide quarterly reports for information data systems which are required by the federal statute, such as the Permit Compliance System (PCS) and the Safe Drinking Water Information System (SDWIS).

VII. Agreement Coverage

This Agreement is between the Kansas Department of Health and Environment and the U. S. Environmental Protection Agency Region 7. Indian Country and tribal resources are not included under the Agreement.

KDHE administers a number of federal programs within the state of Kansas using a combination of federal and state resources. The federal statutes and programs covered under this agreement within the purview of EPA include:

Clean Air Act
Clean Water Act
Safe Drinking Water Act
Resource Conservation and Recovery Act
Pollution Prevention Act

The above statutes and programs created under these acts are reflected in state statutes and regulations. The administrative structure utilized by KDHE include media specific programs in air, water, and waste management. Remedial programs including storage tanks are combined within one cleanup program. Similarly many of the field operations including compliance assistance and inspections are conducted by staff of the district offices. Programs within other state agencies, such as delegated Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and Endangered Species Act, are not covered under the terms of this agreement.

KDHE will submit a Performance Partnership Grant application for water related programs. The programs included in this unified application are:

1. Water Pollution Control Act (Clean Water Act Section 106)
 - NPDES Pretreatment
 - NPDES Permitting/Compliance
 - NPDES CAFO
 - Watershed Restoration and Protection
2. Safe Drinking Water Act (Section 1443)
 - Public Water Supply Supervision
 - Underground Injection Control

Individual applications will be submitted for the following programs:

1. Resource Recovery and Conservation Act (Hazardous Waste) which includes Underground Petroleum Storage Tanks
2. Clean Air Act

For federal fiscal year 2004/2005 these programs will operate under the commitment contained in this PPA and referenced in the grant applications.

Other grant application will be coordinated as appropriate within the structure of this agreement with the exception of the following:

1. Superfund remedial (CERCLA)
2. Water Pollution Control Revolving Fund (CWA Section 601)
3. Safe Drinking Water Act Revolving Loan Fund (SWDA Section 1443)

In the case of competitive grants the applicability of the terms of this agreement will be discussed at the time of application. In the event that no mention is made of this agreement in such applications, it will be deemed to not apply.

In some programs the grant workplan identifies EPA commitments and responsibilities, some work plans do not. It was the intent of the state to allow this variation within work plans. The lack of an EPA commitment is intentional and recognized by the state.

Following is a table of the air, hazardous waste management, water, and underground storage tanks program delegations to KDHE from EPA covered in this Agreement. This Agreement constitutes the KDHE work plan for the award or continuation of these grants.

State of Kansas Program Delegations

Bureau	Program Title	Date of Delegation
Bureau of Air and Radiation	State of Kansas Implementation Plan for the Attainment and Maintenance of National Air Quality Standards	May 31, 1972
Bureau of Environmental Remediation	State of Kansas Underground Storage Tank Program	June 6, 1994
Bureau of Waste Management	State of Kansas Hazardous Waste Program	September 27, 1996
Bureau of Waste Management	State of Kansas Solid Waste Permitting Program	August 23, 1996
Bureau of Water	Clean Water Act: NPDES, State/EPA Agreement	May 23, 1973
Bureau of Water	Clean Water Act: State Revolving Loan, Operating Grant	April 7, 1989
Bureau of Water	Safe Drinking Water: EPA Letter approving Kansas Primacy	April 25, 1978
Bureau of Water	Safe Drinking Water: Underground Injection Control Delegation	December 2, 1983
Bureau of Water	Safe Drinking Water: State Revolving Loan, Operating Grant	December 15, 1997
11/24/98		

VII. EVALUATION PROCESS

Performance reports will be submitted by KDHE to EPA Region VII at the end of the second quarter and year-end, and if necessary and agreed upon, at the end of the third quarter. These reports will contain a comparison of actual accomplishments to the objectives established for the performance period and will reflect fiscal soundness and program accountability. KDHE and EPA Region VII will assess progress as well as identify adjustments and additional actions that need to be taken.

Program Evaluation - In accordance with 40 CFR Part 35 regulations, EPA and KDHE must conduct a joint evaluation at the end of the PPG grant cycle to assess the effectiveness of the grant programs and discuss any existing or potential problem areas. For FY 04 & 05, EPA will review semi-annual progress reports, program reviews, and the final progress report from KDHE and issue a report for comment. The report will include: an analysis of workplan commitments versus work completed, analysis of the cumulative effectiveness of workplans, discussion of potential or existing problem areas, and suggestions for improvement.

Grants not included in the PPG will negotiate and conduct joint evaluations according each programs= established protocols.

EPA Region VII and KDHE agree to use the Program Review Protocol to conduct program reviews within Region VII. The purpose of the protocol is to establish a consistent rationale for conducting program reviews within the Region. The implementation instructions ensure that program review decisions are fully coordinated across all regional programs with state, local, and tribal partners. By using the Program Review Protocol and its Implementation Instructions, Region VII will create a coordinated schedule for all program evaluations within the Region.

KDHE and EPA Region VII agree to use the process outlined in the Implementation Instructions.

KDHE and EPA will conduct a formal review of the program evaluation results at the end of calendar year 2004.

Karen Flournoy, EPA VII, and Dr. Ron Hammerschmidt, KDHE, will serve as liaisons.